

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

.....
IN RE: : CASE NO. 5-12-05241-JJT
:
TALBERT, DENNIS H., :
TALBERT, LINDA M., :
DEBTORS : CHAPTER 7
.....

**CHAPTER 7 TRUSTEE'S APPLICATION TO SELL
PROPERTY OF THE ESTATE**

COMES NOW Mark J. Conway, Trustee in bankruptcy in the above-captioned Chapter 7 proceeding and makes this Application, respectively stating in support thereof:

1. Movant, Mark J. Conway, is the duly appointed, qualified and acting Trustee in bankruptcy in the above-captioned proceeding, having his place of business at 502 South Blakely Street, Dunmore, Pennsylvania 18512 ("Trustee").

2. This Court has jurisdiction of the matter pursuant to 28 U.S.C. § 157 and 28 U.S.C. § 1334. Consideration of this motion is a core proceeding pursuant to 28 U.S.C. § 157(b). The statutory predicate for the relief sought herein is, inter alia, Section 363 of the Bankruptcy Code.

3. The above Bankruptcy was commenced by the Debtors filing a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on September 6, 2012.

4. The Chapter 7 Trustee was appointed on September 6, 2012, and has qualified and continues to act in such capacity.

5. On the date the Bankruptcy was filed on September 6, 2012, among the assets of the Estate, there existed an Oil and Gas Lease between the Debtors and Epsilon Energy USA, Inc., relative to real property located at 471 Everitt Road, Auburn Township, Susquehanna County, Pennsylvania, (Tax Map No. 196.00-2057.00.00), a copy of which is attached hereto, marked **Exhibit "A"** and incorporated herein by reference ("Property").

6. The Trustee now seeks to sell the Property through a private sale and assign the Oil and Gas Lease to Mineral Acquisition Company for the sum of Eighty Thousand Three Hundred Fifty-One Dollars and Ninety-Seven Cents (\$80,351.97).

7. The Trustee and the Debtors have marketed the Property for sale and believe that the subject offer from the proposed buyer herein is the highest and best offer for the Property. This sale, however, is subject to higher and better offers.

8. This Application has been filed by the Trustee and is in the best interest of the Estate because the sale and assignment of the Oil and Gas Lease will enable the Trustee to pay a substantial portion of the debts of the Estate, in addition to certain costs of administration.

9. The United States Trustee shall receive a copy of this Application and all other parties in interest shall receive notice of the sale.

10. The Trustee respectfully requests the Court to issue a date by which responses, if any, may be filed objecting to the sale of the "Property", pursuant to the terms set forth herein.

WHEREFORE, the Trustee respectfully requests your Honorable Court to (i) issue a Notice to Creditors indicating on such the final date for filing answers or objections to the within Application, and following the time set for answers or objections, (ii) enter an order granting relief to sell the Property by private sale as indicated herein; (iii) authorizing the Trustee to execute all papers and documents necessary to transfer said Property to effectuate said sale and assignment of the property; and (iv) for such other and further relief as the Court deems just and appropriate.

Respectfully submitted:

LAW OFFICES OF MARK J. CONWAY

/s/ Mark J. Conway
Mark J. Conway
502 South Blakely St.
Dunmore, PA 18512
(570) 343-5350
Counsel for Chapter 7 Trustee

DATED: April 2, 2013

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

.....
IN RE: : CASE NO. 5-12-05241-JJT
:
TALBERT, DENNIS H., :
TALBERT, LINDA M., :
DEBTORS : CHAPTER 7
.....

CERTIFICATE OF SERVICE

I, Constance Norvilas, Paralegal, hereby certify that on this 2nd day of April, 2013, I have caused to be served on this day a true and correct copy of the Chapter 7 Trustee's Application to Sell Personal Property of the Estate, by electronically filing the foregoing with the Clerk of the Bankruptcy Court using the CM/ECF system which sent notification of such filing to the following Filing Users at the following e-mail addressed:

U.S. Trustee
Middle District of PA
228 W. Market Street, 11th Floor
P.O. Box 969
Harrisburg, PA 17101-0969
ustpreion03.ha.ecf@usdoj.gov

Raymond W. Ferrario, Esquire
Suite 528, Scranton Life Building
538 Spruce Street
Scranton, PA 18503-1816
raymondwferrariopc@comcast.net

CONWAY LAW OFFICES, P.C.

/s/ Constance Norvilas
Constance Norvilas, Paralegal
502 South Blakely Street
Dunmore, PA 18512
(570) 343-5350